Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of	)
	)
Amendment of Section 73.202(b),	)
FM Table of Allotments,	)
FM Broadcast Stations.	)
	)
(Booneville, Kentucky)	) MB Docket No. 04-287
	) RM-11044

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 17, 2004   **Released: November 22, 2004**

By the Assistant Chief, Audio Division, Media Bureau:

1.   The Audio Division has before it a *Notice of Proposed Rule Making* ("*Notice*")[1], issued at the request of Eastern Kentucky Educational Radio ("Petitioner"), proposing the allotment of Channel 227A at Booneville, Kentucky, as the community's first local service. Petitioner filed no comments in response to the *Notice*. No other comments or expressions of interest were received in response to the *Notice*.

2.   As stated in the Appendix to the *Notice*, a showing of continuing interest is required before a channel will be allotted. It is the Commission's policy to refrain from making a new allotment to a community absent a *bona fide* expression of interest. Therefore, because comments were not received from the Petitioner supporting the allotment of Channel 227A to Booneville Kentucky, or any other party, the Petition for Rule Making is hereby dismissed.

3.   IT IS ORDERED, That the Petition for Rulemaking filed by Eastern Kentucky Educational Radio IS DISMISSED.

4.   This document is not subject to the Congressional Review Act. (The Commission, is, therefore, not required to submit a copy of this Report and Order to GAO, pursuant to the Congressional Review Act, *see* 5 U.S.C. Section 801(a)(1)(A) because this proposed rule is dismissed, herein.

5.   IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

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[1] *See Booneville, Kentucky*, 19 FCC Rcd 14603 (MB 2004).

6.   For further information concerning this proceeding, contact Victoria M. McCauley, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
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